

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 15 November 2017, at the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Boad (Chairman); Councillors Ashford, Barrott, Bromley, Mrs Bunker, Butler, Cain, Mrs Cain, Coker, Cooke, Cross, Davison, Day, Doody, Mrs Falp, Gallagher, Gifford, Gill, Miss Grainger, Grainger, Heath, Hill, Howe, Illingworth, Mrs Knight, Margrave, Mobbs, Morris, Murphy, Naimo, Noone, Parkins, Phillips, Quinney, Mrs Redford, Rhead, Shilton, Mrs Stevens, Thompson, Weed and Wright.

46. **Apologies for Absence**

Apologies for absence were received from Councillors D'Arcy, Davies, Edgington, Mrs Evetts and Whiting.

47. **Declarations of Interest**

There were no Declarations of Interest.

48. **Minutes**

The minutes of the meeting of the Council held on 20 September 2017 were taken as read and were duly signed by the Chairman as a correct record.

49. **Communications & Announcements**

The Chairman welcomed Councillor Wright following his election to the Council, on 5 October 2017 to represent the Stoneleigh and Cubbington Ward.

The Chairman welcomed Lisa Barker as the new Head of Housing.

The Chairman informed Council that there was no business to be conducted under Item 5 Petitions; Item 6 Notices of Motion; and Item 7 Public Submissions.

50. **Director of Public Health for Warwickshire Health – Annual report**

The Council received a presentation from Dr Linnane, Director of Public Health at Warwickshire Health on his annual report.

51. **Leader's and Portfolio Holders' Statements**

The Leader, Councillor Mobbs:

- welcomed Councillor Wright, to the Council;
- informed Council that the planning applications for the redevelopment of Riverside House and Covent Garden Car Park sites to enable the relocation of the Council HQ had been submitted. A car parking displacement strategy was being developed and development of sites would bring significant economic benefits to the town and district. The new HQ would be a gateway site and the administration believed the residents had welcomed yet another regeneration scheme. There would be disruption to the town during any development and, as with the major developments in

- Kenilworth, this Council would work with both BID Leamington and Chamber of Trade as key partners to work on mitigation for this; and
- informed the Council that the partner for the redevelopment of the creative quarter would be announced shortly. This would bring £30million of investment to help the creative and digital businesses.

The Portfolio Holder for Neighbourhood Services, Councillor Grainger, informed Council that

- Riverside House car park would be available for free use by shoppers for each weekend up to Christmas;
- The joint enforcement work with Rugby Borough Council had started on 14 November 2017. Three letters had been issued so far and the Service Level Agreement should be signed by Christmas, and in full operation by January 2018;
- The easier protection measures to stop unlawful incursion on open spaces had now been completed and the more complicated sites were now being worked on;
- All waste and recycling collections would be affected over Christmas and for that reason all homes would receive either a bin hanger or postcard, there would also be posters issued, radio adverts, a twitter campaign and details had also been sent to all District Councillors and Parish/Town Council's in the District to highlight the changes;
- The street cleansing of fallen leaves would start on 20 November 2017 which would then be taken for recycling;
- Over 200,000 crocus bulbs had been planted in parks and open spaces across the District; and
- The paths within St Nicholas Park had now been resurfaced.

The Portfolio Holder for Health & Community Protection, Councillor Thompson informed Council that the recent media interest in Leamington Air Quality appears to be based on current World Health Organisation (WHO) standards against 2013 data. Therefore, he encouraged all Councillors to read the report to Health Scrutiny Sub-Committee next week regarding air quality.

The Portfolio Holder for Business, Councillor Butler, informed the Council that the Coventry and Warwickshire business festival started on 20 November for two weeks. This event would provide networking, innovation and learning events. There would be events within Warwick District including those promoting silicon spa. The Council's food safety team would be holding an event at the Town Hall. There would also be a "Kenilworth 2030 - what does it look like?" workshop.

The Portfolio Holder for Culture, Councillor Coker, informed Council that

- the Renovation to the entrance of the Pump Rooms was well underway and encouraged all to look at it. The Visitor Information Centre and shop were now open longer and the Spa Centre box office had successfully relocated; and
- Everyone Active had confirmed over 11,000 constituents had signed up ahead of target.

52. **Questions to the Leader of the Council & Portfolio Holders**

Councillor Quinney asked the Portfolio Holder for Health & Community Protection that while there was good news about the particulate levels which

were lower than reported had this been taken at the DEFRA stations or local known hotspots?

In response Councillor Thompson, Portfolio Holder for Health and Community Protection, explained that the particulate levels were an average for the District and this was detailed in the report to Health Scrutiny Sub-Committee.

Councillor Quinney asked the Portfolio Holder for Housing that following the government announcement of a priority to build more Council houses, would the administration now bring forward plans for the use of the money within the Council budget including, if required, acquiring new land to build these homes on?

In response Councillor Phillips, Portfolio Holder for Housing, explained that by March 2018 the District would have built almost 1000 social houses over the last four years. The Council intended to take opportunities when it could, but the biggest challenge was finding suitable land to purchase. The new Head of Housing was looking at Council garage sites for potential redevelopment and more alternative proposals would come forward in 2018. There was no guarantee but it looked like the high value void levy would not apply for 2018, but it was unclear for the long term future. Therefore, until the Council had clarity on this it should not spend reserves as these could be required to pay the levy.

Councillor Quinney asked a supplementary question to clarify if Councillor Phillips had referred to affordable housing of 875 properties in the last six years and not social housing or a combined figure?

Councillor Phillips confirmed he referenced all affordable housing and that the Council was pushing for more affordable homes in all forms within developments.

Councillor Quinney asked the Portfolio Holder for Housing, if the Council would listen to the concerns about the current proposals for the redevelopment of Riverside House and Covent Garden Car Park, regarding not including affordable housing and the impact on the loss of parking spaces and therefore consider alternative options?

In response the Leader, Councillor Mobbs explained that the Executive looked at the whole picture as to what was best for the whole District. The independent viability assessment of the application would be completed and this, along with the applications, would be determined by the Planning Committee. The bids for development were being formulated and the Council did not know what the developers wanted to do with the sites. The Executive were committed to assisting all parts of the community.

Councillor Barrott asked the Portfolio Holder for Culture that following the notification from MacGolf that they had withdrawn from provision of services at Newbold Comyn Golf Course, what action would this Council be taking?

In response, the Portfolio Holder for Culture, Councillor Coker explained that MacGolf had been told they held a contract with no ability to terminate. They had been told that they were expected to deliver a contract and at this time could not say more in a public statement.

Councillor Gifford asked the Portfolio Holder for Culture if MacGolf owed the Council any money and how it was possible to enforce the contract with a reluctant contractor?

Councillor Coker confirmed that MacGolf did not currently owe the Council money and that it would not be easy to enforce the contract because MacGolf wanted to leave. If the Council agreed to them leaving, there would be considerable expense to the Council especially considering that there was an indication that use of course and membership was falling. This was because the Council was aware that if one of the local clubs was to disappear, the other Clubs would be able to meet the need.

Councillor Naimo asked the Portfolio Holder for Development, if he could confirm that landlords and developers had been encouraged to bring forward purpose built student development in the Althorpe Street area?

In response, the Portfolio Holder for Development, Councillor Rhead explained that he could not confirm this but if there were proposals these would be brought to Council.

In response to supplementary questions from Councillor Naimo, Councillor Rhead explained that any proposal would be subject to planning policy and officer reports would reflect this.

Councillor Knight asked the Portfolio Holder for Development, following the cross party event regarding Gypsy & Traveller site locations, what had happened about a temporary site location because even if it was for 12 months this would reduce pressure?

In response the Portfolio Holder for Development, Councillor Rhead explained that an officer had undertaken useful discussions but it would be premature to share this information, but hoped to be able to provide a report to the next Council meeting.

Councillor Heath asked the Portfolio Holder for Development, Councillor Rhead, if any progress had been made on locating a permanent site for Gypsy & Travellers within the District?

In response Councillor Rhead explained that no further decision or progress had been made since September because it was a difficult matter for all to consider and resolve. There were three or four ideas but it was premature to comment. When the plans were properly formulated, they would be brought to Council.

Councillor Heath asked the Portfolio Holder for Neighbourhood Services where the crocus bulbs had been planted within the District?

In response Councillor Grainger explained they were planted at several sites including Victoria Park, St Nicholas Park and Midland Oak.

Councillor Heath asked a supplementary question to the Portfolio Holder for Neighbourhood Services if she was aware that Whitnash Town Council had planted their own crocuses on open spaces within Whitnash?

In response Councillor Grainger said she did not and thanked the Town Council for doing this.

Councillor Bromley asked the Portfolio Holder for Business, for an update on the Leper Hospital in Warwick?

The Portfolio Holder for Business, Councillor Butler, responded by explaining that there was a project team working on this and he would arrange for an update to be sent to all Councillors.
(NB the update is set out at Appendix 1 to the minutes).

53. **Report of the Executive**

The reports of the Executive meetings were proposed, subject to the following amendments:

An addendum to item 10(c) Executive Minutes of 27 September 2017 with revised fees for Licensing & Registration and the Lifeline Service.

That recommendation 2.2 of item 10(d) Executive minute 66 of 1 November 2017 be amended to read:

“That Council procedure rules are amended, to include a reference confirming the requirements that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee, with exception to this the appointment of Co-opted members who in all cases, would have no voting rights.”

This was duly seconded and

Resolved that the Executive reports as follow, were approved:

- (1) 31 August 2017 (excluding minutes 40 to 41 that were considered by Council on 20 September 2017);
- (2) 20 September 2017;
- (3) 27 September 2017; and
- (4) excerpt of 1 November 2017 (Minutes 64 to 66)

54. **Standards for Warwick District**

This Council considered a report that brought forward proposals on the future operation of Warwick District Council’s Standards Committee.

Councillors Mrs Bunker, Cooke and Mrs Falp spoke on this item.

The recommendations were duly proposed, second and

Resolved that

- (1) the outcome of the consultation with all Parish & Town Councils in Warwick District and Warwickshire

Association of Local Councils (WALC) as set out at Appendix 1 to the report is noted;

- (2) Warwick District Council does not wish to proceed with a Joint Standards Committee with all Parish & Town Councils;
- (3) the Constitution be amended to reflect that the Standards Committee will be a body of Warwick District Council made up of 11 Warwick District Councillors with a remit as set out below:
 - i. To promote and maintain high standards of conduct by Members of the Council.
 - ii. To ensure Members of the Council observe the Council's Code of Conduct.
 - iii. To advise the Council on the adoption or revision of a Code of Conduct.
 - iv. Monitor the operation of the Code of Conduct.
 - v. To provide advice and training (or arrange training) for Members on matters relating to the Code of Conduct.
 - vi. To recommend to the Council on the appointment of Independent persons for the Council and of the Code of Conduct adopted by the Parish and Town Councils in the District.
 - vii. To consider and determine requests for dispensation from requirements relating to the adopted Members' Code of Conduct;
 - ix. To grant dispensations, as it considers appropriate, if so requested;
- (4) so long as it is reasonably practicable, at least three Members of its Standards Committee will be both District and Parish/Town Councillors (dual hatters) so they are aware of the nature of this role;
- (5) that any revisions to the Code of Conduct or associated processes will be consulted on with all District Councillors and Parish & Town Councils in Warwick District for at least six weeks. In addition, the proposals will also be presented to a meeting of the WALC Warwick Area Committee for discussion. Following the consultation, a response will be provided to each of the comments made and circulated to all Parish/Town Councils in Warwick District and all comments made will be considered by the Standards Committee before any amendments are approved;
- (6) all Parish & Town Councils in the District be sent a copy of the agenda for the Standards Committee meeting and they be alerted (via email) as soon as the draft minutes are available on line;

- (7) the Chair of any Code of Conduct hearing Panel involving a Parish/Town Councillor will attend the relevant Parish/Town meeting that considers any proposed sanction from the Hearing to respond to questions from the relevant Council; and
- (8) in line with Council procedure rule 35, the Standards Committee has considered a refresh of its procedures for handling complaints about the conduct of Councillors and these will now be consulted on as set out above.

55. **Urgent Item - Urgent report from Standards Committee on 14 November 2017**

The Council received an urgent report from the Standards Committee that sought confirmation of delegations to the Monitoring Officer with regard to the consideration of complaints about the conduct of Councillors.

The report had been circulated ahead of the meeting to all Councillors, with the agreement of the Chair.

The Chair had agreed to take this as an urgent item because the issue had only been considered and supported by the Standards Committee on 14 November and he considered, because of the previous item, to ensure robust procedures were in place as soon as practicable.

Councillors Bunker, Cooke, Mrs Noone and Gifford spoke on this item

The report was proposed, duly seconded and

Resolved that the report of the Standards Committee of 14 November 2017 be approved.

56. **Community Infrastructure Levy**

The Council considered a report that sought a resolution to formally adopt the Community Infrastructure Levy (CIL) Charging Schedule following on from the approval of the Draft Charging Schedule by the independent Examiner appointed by the Planning Inspectorate.

Once adopted, it was intended that the CIL charging process would commence between 20 November and 18 December 2017.

The Executive had met on 15 November and had supported the recommendations to Council and had, along with noting the inspectors report approved the CIL Instalments Policy and confirmed that the policy came into force on the date that the CIL Charging Schedule took effect.

The Executive had agreed the Regulation 123 list attached for CIL monies received prior to the end of March 2018 and noted that a separate report would be presented to the Executive in February or March 2018 to establish formal governance arrangements in relation to the distribution of CIL monies and to gain approval for the following financial year's infrastructure priorities and Regulation 123 list for the forecast CIL income.

Councillors Rhead, Coker and Grainger spoke on this item.

It was proposed, seconded and duly

Resolved that

- (1) the CIL Charging Schedule attached at appendix 2 to the report is adopted, in accordance with section 213 of the Planning Act 2008 (as amended);
- (2) the CIL Charging Schedule takes effect from a date to be determined by the Head of Development Services in consultation with the Portfolio Holder for Development Services, but the date will not be earlier than 20 November 2017 and no later than 18 December 2017;
- (3) once the Charging Schedule is adopted, the Executive will consider and approve the establishment of formal governance arrangements in relation to the distribution of CIL monies and to approve the infrastructure priorities for the first and subsequent financial years;
- (4) that the Head of Development Services is authorised to take any steps deemed appropriate for the purpose of implementation, including publication of the Charging Schedule, implementation of the processes required to administer CIL, the use of CIL to cover administrative expenses incurred in connection with CIL (in accordance with regulation 61 of the 2010 CIL Regulations) and the correction of any "correctable errors" in accordance with Regulation 26 of the CIL Regulations 2010 (as amended); and
- (5) Executive have agreed that, other than the exemptions and reliefs required by the CIL Regulations 2010 (as amended), such as developments in relation to affordable housing and those used for charitable purposes, the Council's policy was only to apply discretionary relief or exemptions where exceptional circumstances can clearly be demonstrated, but Council amends the Constitution so that the Head of Development Services in consultation with the Portfolio-holder for Development Services Authority may apply discretionary relief for exceptional circumstances is.

57. **Appointments to Committees**

It was proposed duly seconded and

Resolved to appoint

- (1) Councillor Wright to Finance & Audit Scrutiny Committee in place of Councillor Murphy;
- (2) Councillor Murphy as a substitute for Finance & Audit Scrutiny Committee; and
- (3) Councillor Wright as a substitute for Planning Committee.

58. **Public & Press**

Resolved that the public and press not be excluded because the individuals involved had been notified and therefore the information was now publically available.

59. **Employment Committee report**

Councillors Parkins, Mobbs, Quinney, Barrott, Davison, Gifford, Coker and Mrs Bunker spoke on this item.

It was proposed, seconded and

Resolved that the confidential Employment Committee report of 13 September 2017 be approved.

60. **Common Seal**

It was

Resolved that the Common Seal of Warwick District Council be affixed to such documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 7.30 pm)

Chairman
15 November 2017

Minute 52

Questions to the Leader & Portfolio Holder

Detailed response to the question from Councillor Bromley to the Portfolio Holder for Business regarding the Leper Hospital in Warwick.

“Officers have made significant progress with a feasibility study into the options for bringing the Lepers’ Hospital site (now comprising The Master’s House and St Michael’s Chapel) back into use. Led by Warwick District Council a project team comprising West Midlands Historic Buildings Trust, BHB Architects, Historic England, Waterloo Housing Group, St Basil’s (a youth charity), Warwickshire County Council (WCC) and Homelife (an extra-care housing provider) is producing a viability appraisal which it is hoped will lead to funding from The Homes & Community Agency, WCC and this Council to bring forward a supported housing scheme.

A draft report will be considered by the team in December with a final report being considered in January 2018. Whilst the site brings with it many challenges, officers are cautiously optimistic that a solution can be achieved.

Cllr Noel Butler

Member for Aylesford Ward

Portfolio Holder for Business”